

DONNA M. RUTTER (SBN 145704)
GEOFFREY M. HASH (SBN 227223)
CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP
727 Sansome Street
San Francisco, CA 94111
Telephone: (415) 835-9000
Facsimile: (415) 834-0443
E-mail: drutter@cdhklaw.com, ghash@cdhklaw.com

Attorneys for Defendant
Argosy Education Group, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BORIS PORKOVICH and SUSAN
LOPEZ,

Plaintiffs,

vs.

ARGOSY EDUCATION GROUP, INC.,
and DOES 1-10,

Defendants.

Case No. C05-04506 MMC

**STIPULATION AND ORDER VACATING
MOTIONS FOR REMAND AND FEES
AND MOTION TO DISMISS PLAINTIFF'S
SECOND CAUSE OF ACTION
AND ORDER OF DISMISSAL**

Date: Jan. 6, 2006
Time: 9:00 am
Courtroom: 7, 19th Floor

[E-Filing]

THE PARTIES HEREBY STIPULATE AND AGREE TO THE FOLLOWING:

WHEREAS the parties to this action have reached an oral settlement and are currently working on the terms of a written settlement agreement.

IT IS HEREBY STIPULATED that the parties, by stipulating below, wish to vacate both hearing dates presently set on January 6, 2006 at 9:00 a.m. in Courtroom 7 on the following motions: (1) Plaintiff's Motion for Remand and for Fees Pursuant to 28 U.S.C. §1447(c); and (2)

1 Defendant's Motion to Dismiss Plaintiff's Second Cause of Action.

2 **IT IS FURTHER STIPULATED** that all future dates on the Court's docket in this matter
3 be removed.

4 Dated: December 3, 2005
5 *January*

CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP

6 By: *Donna M. Rutter*
7 Donna M. Rutter
8 Geoffrey M. Hash

9 Attorneys for Defendant
ARGOSY EDUCATION GROUP, INC.

10 Dated: *January 3, 2006*
11 December 3, 2005

LAW OFFICES OF KYRA A. SUBBOTIN

12
13 By: *Kyra A. Subbotin*
14 Kyra A. Subbotin

15 Attorney for Plaintiffs
16 BORIS PORKOVICH AND SUSAN LOPEZ

17 **ORDER**

18
19 **IT IS SO ORDERED:** and the action is DISMISSED, without prejudice; provided that if
20 any party certifies, within 90 days, that the agreed consideration for the settlement has
21 not been delivered over, this Order shall be vacated.

22 Dated: January 4, 2006

Maxine M. Chesney
The Honorable Maxine M. Chesney